

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by: Todd Vargo, Planner I

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial  
VA 12-1-02 Tom Willi, Town Administrator/Town of Davie, 7525 NW 33  
Street/ Generally located on NW 33 Street west of NW 75 Terrace.

**AFFECTED DISTRICT:** District 2

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-02, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR NW 33 STREET LYING BETWEEN THE "HARMONY VILLAGE COMMUNITY PLAT" (171-150) AND THE "DAVIE COMMUNITY FACILITIES IV PLAT" (134-40) TOGETHER WITH A PORTION OF THE RIGHT-OF-WAY FOR NW 76 AVENUE LYING BETWEEN "HARMONY VILLAGE COMMUNITY PLAT" (171-150) AND "HARMONY VILLAGE PLAT" (162-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town of Davie wishes to vacate a portion of the right of way for NW 33 Street lying between Parcel 'A' of "Davie Community Facilities IV Plat" (134-40) and "Harmony Village Community Plat" (171-150) together with a portion of the right of way for NW 76 Avenue lying between said plat of "Harmony Village Community Plat" and "Harmony Village Plat" (162-37) in order to provide parking facilities to the Davie Boys and Girls Club to be located on the Davie Community Facilities IV Plat.

The requested vacations will not have any adverse affect on neighboring properties, nor will they create a conflict with the public interest. The road easement is not needed and there are no plans to connect NW 33 Street.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the April 9, 2003 Planning and Zoning Board meeting Ms. Lee made a motion, seconded by Mr. Waitkus to approve (Motion carried 5-0).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):** Ordinance, Planning report, Justification letter, Road easement, Proposed vacation of right-of-way as shown on site plan, Future Land Use map, Zoning and aerial map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-02, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR NW 33 STREET LYING BETWEEN THE HARMONY VILLAGE COMMUNITY PLAT (171-150) AND THE DAVIE COMMUNITY FACILITIES IV PLAT (134-40) TOGETHER WITH A PORTION OF THE RIGHT-OF-WAY FOR NW 76 AVENUE LYING BETWEEN HARMONY VILLAGE COMMUNITY PLAT (171-150) AND HARMONY VILLAGE PLAT (162-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, road right-of-way known as that portion of NW 33 Street adjacent to the “Harmony Village Community Plat” and the “Davie Community Facilities IV Plat” and that portion of NW 76 Avenue lying between “Harmony Village Community Plat” and “Harmony Village Plat” specifically described on Exhibit “A” attached hereto, was accepted as public right-of-way; and

WHEREAS, vacation of the road right-of-way will not adversely affect access to adjoining properties; and

WHEREAS, on the date of adoption of this ordinance Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the road right-of-way located within Tract 28, in Section 33, Township 50 South, Range 41 East, specifically described on Exhibit “A” attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003.

PASSED ON SECOND READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

**Application #:** VA 12-1-02 Davie Boys & Girls Club Revisions: 5/15/2003

**Exhibit "A"**

**Original Report Date:** 4/9/03

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

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**Owner:**

**Name:** Town of Davie  
**Address:** 6591 Orange Drive  
**City:** Davie, FL 33314  
**Phone:** (954)797-1000

**Agent:**

**Name:** Thomas J. Willi  
**Address:** 6591 Orange Drive  
**City:** Davie, FL 33314  
**Phone:** (954)797-1205

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**BACKGROUND INFORMATION**

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**Date of Notification:** March 6, 2003      **Number of Notifications:** 30

**Application History:** No deferrals have been requested.

**Application Request:** The Town of Davie wishes to vacate a portion of the right-of-way for NW 33 Street lying between Parcel 'A' of "Davie Community Facilities IV Plat" (134-40) and "Harmony Village Community Plat" (171-150) together with a portion of the right-of-way for NW 76 Avenue lying between said plat of "Harmony Village Community Plat" and "Harmony Village Plat" (162-37) in order to provide parking facilities to the Davie Boys and Girls Club to be located on the "Davie Community Facilities IV Plat."

**Address/Location:** 7525 NW 33 Street/Generally located at the northeast corner of NW 76 Avenue and NW 33 Street

**Future Land Use Plan Designation:** Utility

**Zoning:** Community Facilities District

**Existing Use:** Undeveloped land

**Proposed Use:** Grass parking spaces, a drive aisle and a landscape island

**Parcel Size:** 0.702 acres (30,569 square feet)

**Surrounding Uses:**

**North:** Wastewater treatment plant  
**South:** Residential  
**East:** Residential  
**West:** Wastewater treatment plant

**Use Plan Designation:**

Utility  
Residential (10 DU/AC)  
Residential (16 DU/AC)  
Residential (8 DU/AC)

**Surrounding Zoning:**

**North:** Utility District (U)  
**South:** Low/Medium Density Dwelling District (R-5)  
**East:** Medium-High Density Dwelling District (RM-16)  
**West:** Utility District (U), Recreation/Open Space District (RS)

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**ZONING HISTORY**

**Related Zoning History:** None

**Previous Request on same property:** The plat, Davie Community Facility IV, was approved on July 1, 1986.

SP10-11-02, Boys & Girls Club at Driftwood Estates Park, was approved by Town Council on December 18, 2002.

Town Council approved DG 12-3-02 on January 2, 2003, which amended the plat note on the "Davie Community Facilities IV" Plat from "This plat is restricted to 2,934 square feet of water and wastewater facility and a five acre park" to "This plat is restricted to 2,934 square feet of water and wastewater facility and 8,681 square feet of community facilities."

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**APPLICATION DETAILS**

The Town of Davie wishes to vacate a portion of the right of way for NW 33 Street lying between Parcel 'A' of "Davie Community Facilities IV Plat" (134-40) and "Harmony Village Community Plat" (171-150) together with a portion of the right of way for NW 76 Avenue lying between said plat of "Harmony Village Community Plat" and "Harmony Village Plat" (162-37) in order to provide parking facilities to the Davie Boys and Girls Club to be located on the "Davie Community Facilities IV Plat."

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**Applicable Codes and Ordinances**

Section 12-310 of the Land Development Code, review for vacations or abandonments of right-of-way.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 11. This Planning Area is bound by Stirling Road on the north, Davie Road Extension on the southeast, and University Drive on the west. The area is characterized by multi-family residential development on the south side of Stirling Road, ranging from 8 to 16 dwellings per acre. There is one single family residential subdivision developed at five dwellings per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Applicable Goals, Objectives & Policies:** Policy 15-4: Land development regulations shall provide for adequate, convenient and safe on-site circulation and off-street parking facilities.

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### Staff Analysis

The requested vacation of right-of-way consists of that portion of NW 33 Street between the “Harmony Village Community Plat” and the “Davie Community Facilities IV Plat” as well as that part of NW 76 Street between the “Harmony Village Plat” and the “Harmony Village Community Plat.” The area proposed to be vacated would provide grass parking spaces, a drive aisle and a landscape island for the Davie Boys and Girls Club at Driftwood Estates.

The requested vacation of right-of-way will have no adverse impact on neighboring properties, nor create a conflict with the public interest. There is an improved public safety issue inherent in this request: by approving the requested vacation of right-of-way will allow the parking for the facility to be close to the site and will not force Boys and Girls Club patrons to cross traffic. Staff notes an approved site plan provides for grass parking spaces on the proposed road right-of-way vacation, shown more clearly on the attached exhibit.

The boys and girls club is a staff-initiated project. The Town’s Consolidated Plan for Federal Funds adopted in July 1997, set forth Neighborhood Revitalization/Redevelopment Plans for the three geographic areas in Davie. The Driftwood Target Area is a high priority for redevelopment due to the significant number of lower-income and minority families with children and at-risk youth.

The Davie Town Council adopted the “Harmony Village Community Redevelopment/Revitalization Plan” for the Driftwood neighborhood in February of 2001. This initiative is a multifaceted endeavor which contains both residential and nonresidential components. The Plan sets forth a holistic approach to neighborhood revitalization which encompasses infrastructure improvements, in-fill housing, expansion of recreational facilities for at-risk youth, educational opportunities, health care, and other social services.

Under the Harmony Village Community Plan, a new 8,681 square foot facility will be constructed on the southeast corner of Driftwood Park. The new facility will provide expanded educational & recreational opportunities for approximately 1,000 at-risk youth (representing a 70% increase in children served), in a more centralized location, that will entice the participation of all children in this culturally diverse neighborhood.

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### Findings of Fact

#### **Vacations or abandonments of right-of-way:**

##### **Section 12-310 (A)(1):**

**The following findings of facts apply to the vacation requested:**

**(a)** It will adversely affect access to neighboring properties.

*It will not adversely affect access to neighboring properties. Access for the single family residential located to the south of the subject vacation is not impacted by the proposed vacation nor is the surrounding existing road network impacted.*

**(b)** It will be in conflict with the public interest.

*It will not be in conflict with the public interest. The requested vacation of right-of-way will have no adverse impact on neighboring properties, nor create a conflict with the public interest. There is an improved public safety issue inherent in this request: by approving the requested vacation of right-of-way will allow the parking for the facility to be close to the site and will not force Boys and Girls Club patrons to cross traffic.*

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### Staff Recommendation

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### Planning and Zoning Board Recommendation

At the April 9, 2003, Planning and Zoning Board meeting, Ms. Lee made a motion, seconded by Mr. Waitkus, to approve. Motion carried 5-0.

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### Exhibits

1. Justification letter
2. Road easement
3. Proposed vacation of right-of-way as shown on site plan
4. Future Land Use map
5. Zoning and aerial map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

## JUSTIFICATION RELATING TO VACATION OF RIGHT-OF-WAY

The area proposed to be vacated is a 65-foot wide section of NW 33 Street extending west 413 feet from NW 75 Terrace to the southwest corner of the Davie Community Facilities IV plat as well as a 30-foot section of NW 76 Avenue extending north 145 feet from the southeast corner of Lot 10 of the Harmony Village plat to the southwest corner of the Davie Community Facilities IV plat. A site plan approved at the December 18, 2002 Town Council meeting shows this area providing grass parking spaces, a drive aisle and a landscape island for the Davie Boys and Girls Club at Driftwood Estates.

The Davie Boys and Girls Club at Driftwood Estates will be generally located at the northeast corner of NW 76 Avenue and NW 33 Street. This area is a high priority for neighborhood redevelopment due to the significant number of lower-income and minority families with children and at-risk youth.

Thank you for your attention to this matter.

DESCRIPTION: (RIGHT OF WAY TO BE VACATED)

SHEET 1 OF 1

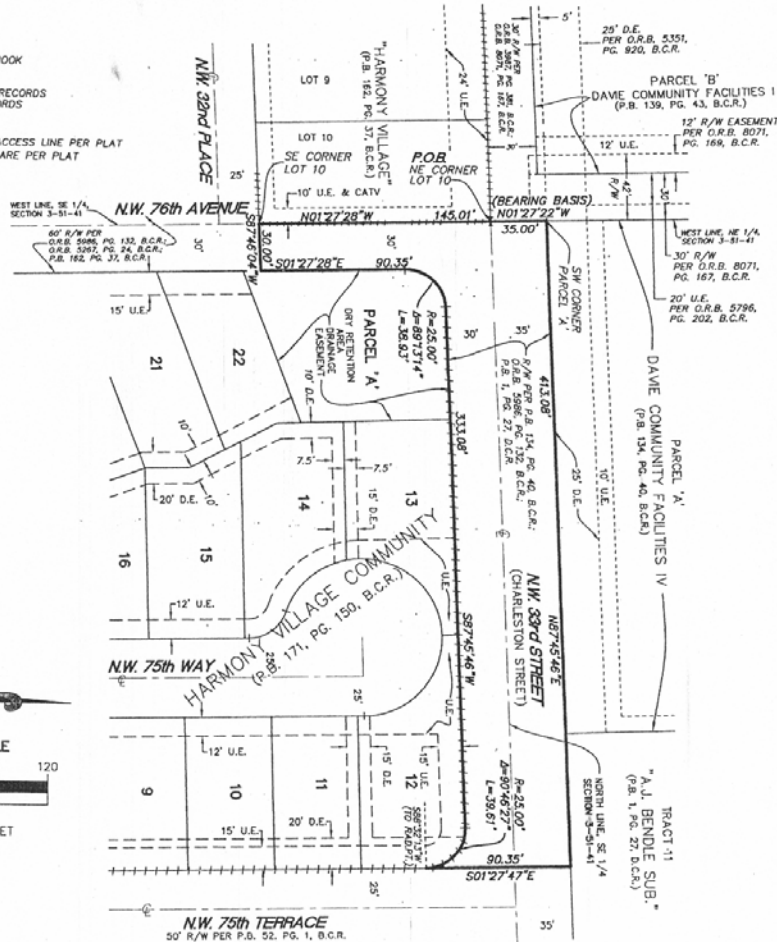
A PORTION OF THE RIGHT OF WAY FOR N.W. 33rd STREET LYING BETWEEN PARCEL 'A' OF DAVE COMMUNITY FACILITIES IV, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 134, PAGE 40 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND HARMONY VILLAGE COMMUNITY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 171, PAGE 150 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THE RIGHT OF WAY FOR N.W. 76th AVENUE LYING BETWEEN SAID PLAT OF HARMONY VILLAGE COMMUNITY AND "HARMONY VILLAGE" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 162, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 10 OF SAID "HARMONY VILLAGE"; THENCE ALONG A SOUTHERLY EXTENSION OF THE WEST LINE OF PARCEL 'A' OF SAID DAVE COMMUNITY FACILITIES IV, NORTH 01°27'22" WEST (BEARING BASIS) 35.00 FEET TO THE SOUTHWEST CORNER OF PARCEL 'A' OF SAID DAVE COMMUNITY FACILITIES IV; THENCE ALONG THE SOUTH BOUNDARY OF PARCEL 'A' OF SAID DAVE COMMUNITY FACILITIES IV, NORTH 87°45'46" EAST 413.08 FEET TO A NORTHERLY EXTENSION OF THE EAST BOUNDARY OF SAID HARMONY VILLAGE COMMUNITY; THENCE ALONG SAID NORTHERLY EXTENSION, SOUTH 01°27'47" EAST 90.35 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS POINT BEARS SOUTH 88°32'13" WEST; THENCE ALONG THE BOUNDARY OF SAID HARMONY VILLAGE COMMUNITY FOR THE FOLLOWING FOUR (4) COURSES: (1) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80°46'27" AN ARC DISTANCE OF 39.61 FEET TO A POINT OF TANGENCY; (2) SOUTH 87°45'46" WEST 333.08 FEET TO A POINT OF CURVATURE OF A 25.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; (3) SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 80°13'14" AN ARC DISTANCE OF 38.93 FEET TO A POINT OF TANGENCY; (4) SOUTH 01°27'28" EAST 90.35 FEET TO AN EASTERLY PROLONGATION OF THE SOUTH LINE OF LOT 10 OF SAID "HARMONY VILLAGE"; THENCE ALONG SAID EASTERLY PROLONGATION, SOUTH 87°46'04" WEST 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 10, NORTH 01°27'28" WEST 145.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVE, BROWARD COUNTY, FLORIDA, AND CONTAINING 30,569 SQUARE FEET ( 0.702 ACRES) MORE OR LESS.

NOTES:

1. P.O.B. = POINT OF BEGINNING
2. R = RADIUS
3. L = ARC LENGTH
4. Δ = DELTA ANGLE
5. U.E. = UTILITY EASEMENT
6. D.E. = DRAINAGE EASEMENT
7. O.R.B. = OFFICIAL RECORDS BOOK
8. PG. = PAGE
9. P.B. = PLAT BOOK
10. B.C.R. = BROWARD COUNTY RECORDS
11. D.C.R. = DADE COUNTY RECORDS
12. R/W = RIGHT OF WAY
13. C = CENTERLINE
14. - - - - - = NON-VEHICULAR ACCESS LINE PER PLAT (UNLESS OTHERWISE SHOWN)



SKETCH AND DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

CERTIFIED TO:

**TOWN OF DAVE**



ENGINEERS • PLANNERS • SURVEYORS  
LANDSCAPE ARCHITECTS  
ENVIRONMENTAL PROFESSIONALS

1800 N. DOUGLAS ROAD, SUITE 200  
PENSACOLA, FLORIDA 32504  
(904) 438-7000 FAX: (904) 437-2998  
CERT. OF AUTHORIZATION L.B. 6680

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 12017-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 475.027, FLORIDA STATUTES.

DATED THIS 9th DAY OF DECEMBER, 2002.

*Karen A. Lynch*  
**KAREN A. LYNCH**  
PROFESSIONAL SURVEYOR AND MAPPER  
STATE OF FLORIDA REGISTRATION NO. 5837  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

PROJECT NO.  
**02-00053**

FILE NO.  
**11-1B-571**

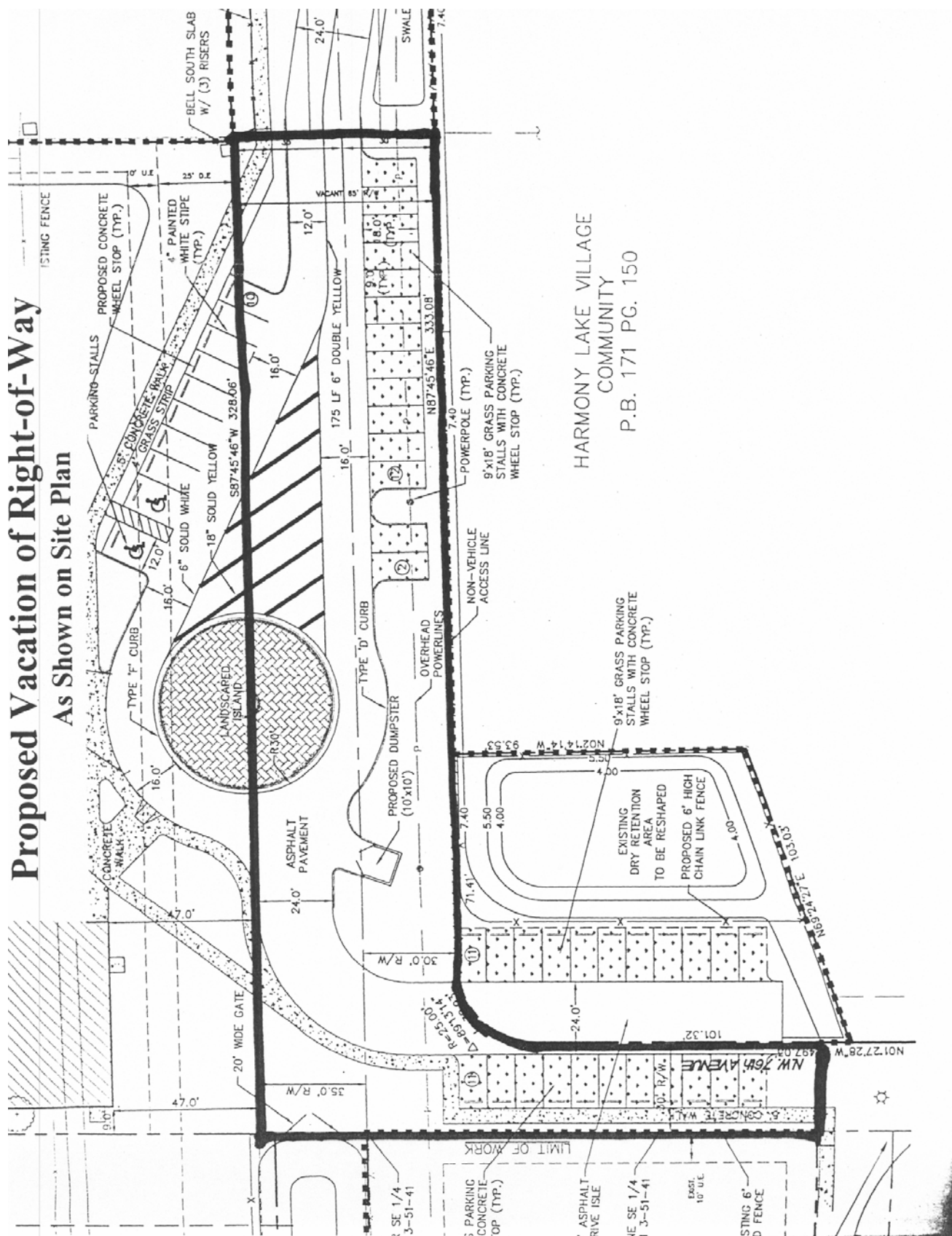
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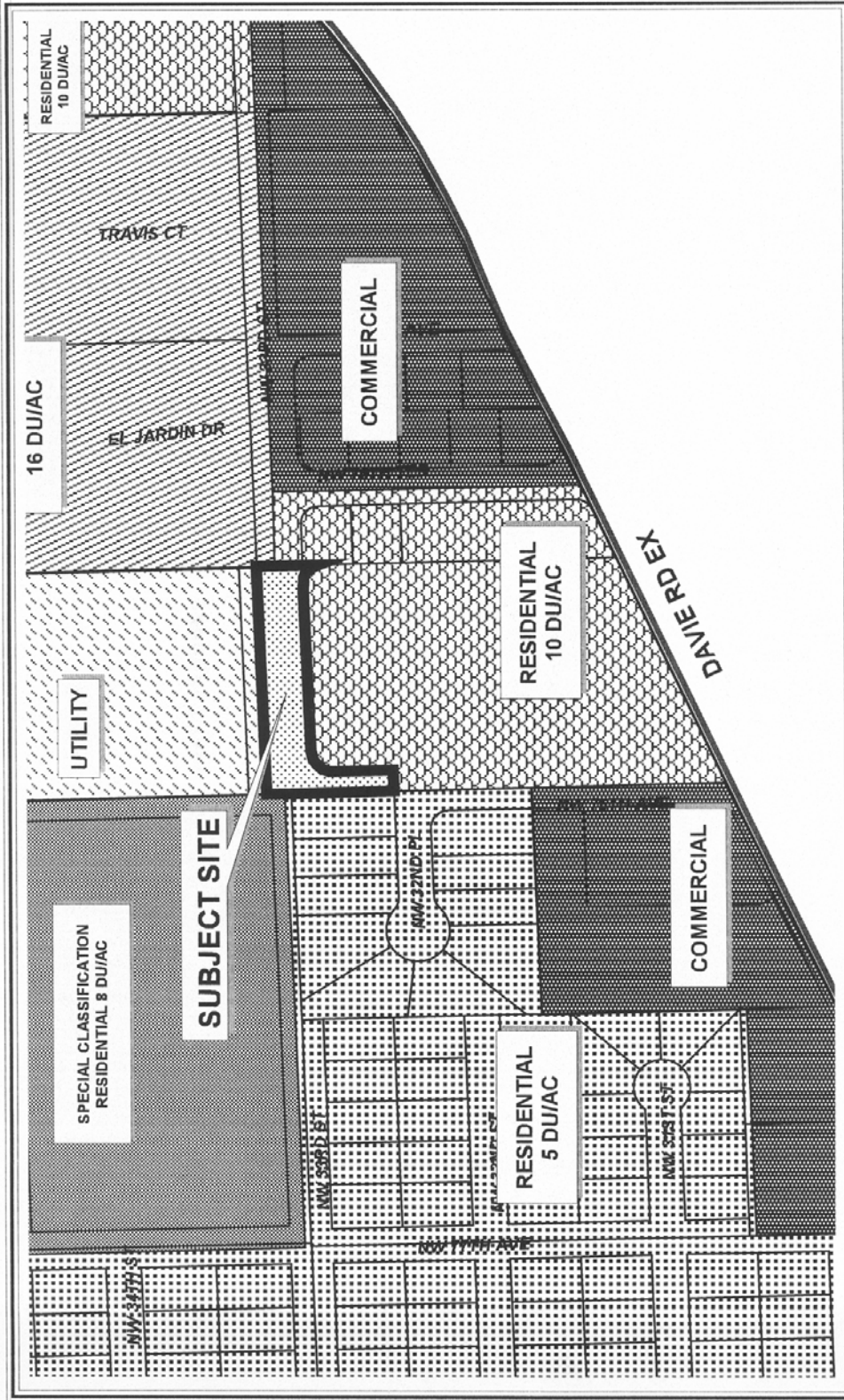
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### As Shown on Site Plan



HARMONY LAKE VILLAGE  
COMMUNITY  
P.B. 171 PG. 150



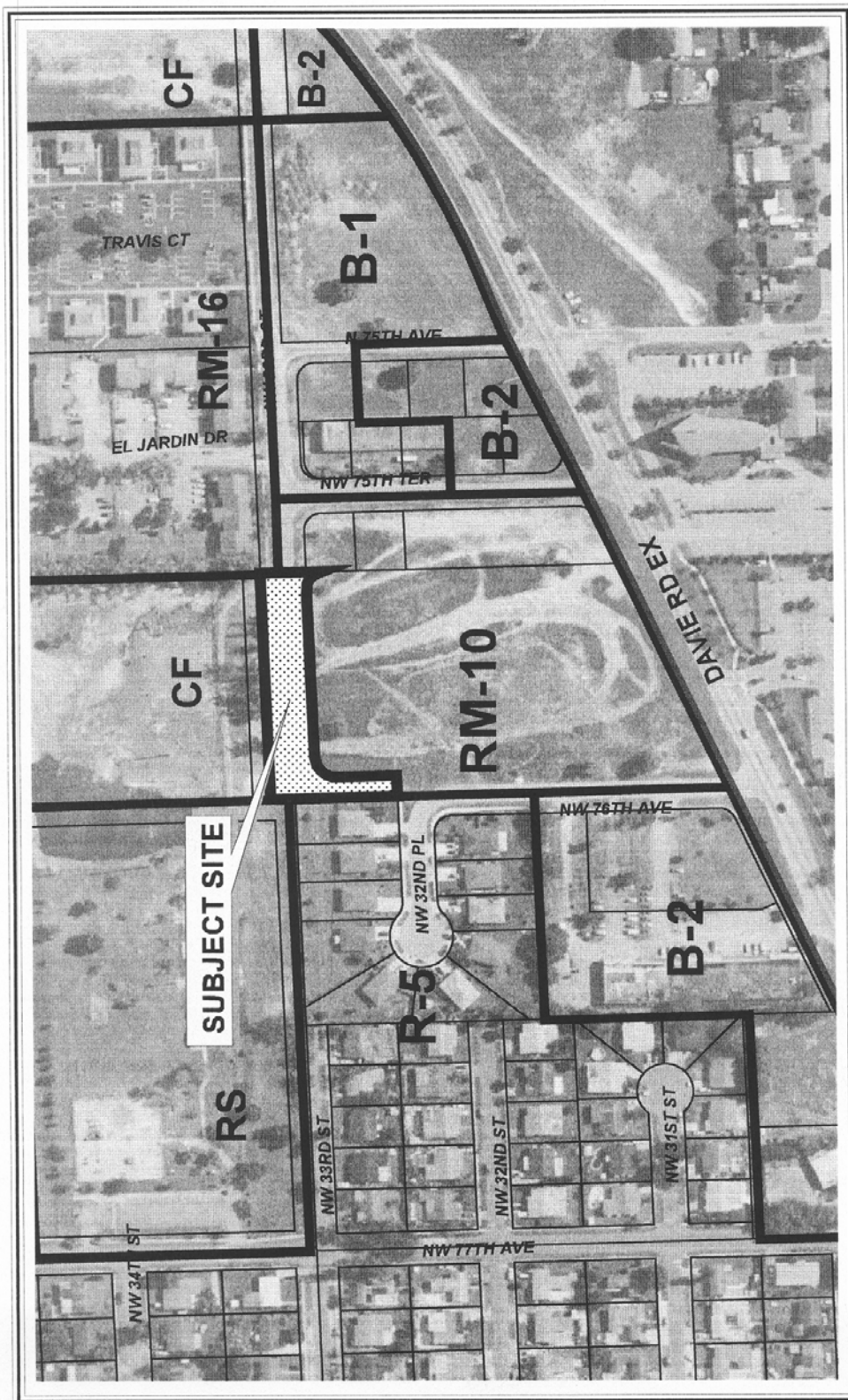
# VACATION OF RIGHT OF WAY VA 12-1-02 Future Land Use Map

Date Prepared: 2/28/03  
Prepared By: ILD



200 0 200 400 Feet

Planning & Zoning Division - GLS



**VACATION OF RIGHT OF WAY  
VA 12-1-02  
Zoning and Aerial Map**

Date Prepared: 2/28/03  
Prepared By: ILD



Date Flown:  
12/31/00

200 0 200 400 Feet

Planning & Zoning Division - GIS